

#13128  
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 Scott M. Slomowitz\*  
 Mona Gupta

David M. Tener  
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 Frank M. Linguiti  
 Gary A. Greene  
 Michael J. Cornelison  
 Bruce J. Chasan  
 Marina E. Volin

A.D. Caesar  
 (1901-1995)  
 Charles W. Rivise  
 (1900-1951)  
 Counsel  
 Allan H. Fried  
 Of Counsel  
 Max Goldman\*

\* Also admitted to practice in NJ  
 † Admitted only in NJ and NY

## FACSIMILE TRANSMITTAL SHEET

December 4, 2002

TO: United States Patent and Trademark Office  
 ATTN: EXAMINER S. CHUNDURU Group Art Unit : 1637  
 FACSIMILE NO.: (703) 305-3014  
 FROM: David M. Tener, Esq.  
 NO. OF PAGES: 9 (Including Cover)

Our Reference No.: E1047/20056

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COMMENTS:

Applicant(s): Glen H. ERIKSON et al.  
 Serial No.: 09/885,731 Group Art Unit: 1637  
 Filed: June 20, 2001 Examiner: S. CHUNDURU  
 Att. Docket No.: E1047/20056 Confirmation No.: 6800  
 For: NUCLEIC ACID MULTIPLEX FORMATION

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

6 with 61

attachments

Total Number of Pages in This Submission

Application Number	09/885,731
Filing Date	June 20, 2001
First Named Inventor	Glen H. ERIKSON
Group Art Unit	
Examiner Name	
Attorney Docket Number	E1047/20056

## ENCLOSURES (check all that apply)

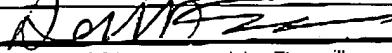
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks		
The Office is authorized to charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Signature	
Date	November 1, 2001

## CERTIFICATE OF MAILING

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**PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/885,731 Group Art Unit: 1637

Filed: June 20, 2001 Examiner: S. Chunduru

Att. Docket No.: E1047/20056 Confirmation No.: 6800

For: NUCLEIC ACID MULTIPLEX FORMATION

**REQUEST FOR CONSIDERATION OF IDS  
AND REMAILING OF OFFICE ACTION**Commissioner for Patents  
Washington, DC 20231

Sir:

An Office Action in the above-identified application was mailed from the PTO on November 6, 2002. The Office Action at Paragraph 1 purports to make record consideration of an Information Disclosure Statement (IDS) filed "December 7, 2002". Assuming that this refers to the IDS received by the PTO December 7, 2001 (mailed November 1, 2001 with a certificate of mailing) initialed copies of the Forms PTO-1449 attached to that IDS were not included with the Office Action. The initialed Form PTO-1449 attached to the Office Action belongs to an IDS filed April 18, 2002. The initialed Form PTO-1449 constitutes acknowledgment of record consideration of the April 18, 2002 IDS.

In view of the foregoing information, it is unclear whether the Examiner considered the November 1, 2001 IDS or mistakenly identified the April 18, 2002 IDS as being the November 1, 2001 IDS. In any event, the Examiner has not acknowledged consideration of a third IDS filed April 5, 2002.

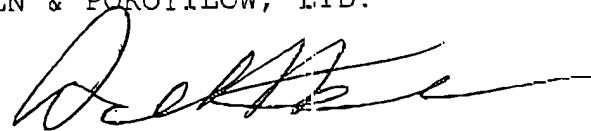
Copies of the corresponding date-stamped postcard receipts are attached. The IDSs were filed with Certificates of Mailing, as evidenced by the attached copies of the respective Transmittal Forms (complete courtesy copies of the IDSs are available upon request), and should have been considered by the Examiner in

Application No. 09/885,731

preparing the Office Action. Accordingly, Applicants respectfully request the Examiner to withdraw the Office Action, review all of the IDSSs and issue a new Office Action making record consideration of the references cited in all the IDSSs.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.



By \_\_\_\_\_

David M. Tener  
Registration No. 37,054  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants

December 4, 2002

Please charge or credit  
our Account No. 03-0075  
as necessary to effect  
entry and/or ensure  
consideration of this  
submission.

FACSIMILE TRANSMISSION CERTIFICATION

I hereby certify that this correspondence re Application No. 09/885,731 is being transmitted via facsimile to Examiner S. Chunduru of Group Art Unit 1637 of the United States Patent and Trademark Office at (703) 305-3014 on this 4th day of December, 2002.



David M. Tener, Reg. No. 37,054

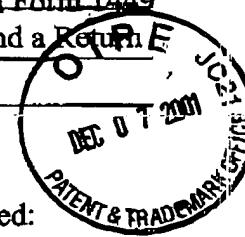
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For : NUCLEIC ACID MULTIPLEX FORMATION  
Filed : June 20, 2001 Group Art :  
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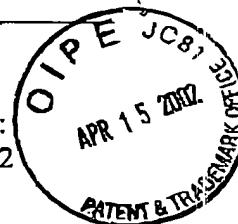
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Serial No. : 09/885,731  
For : NUCLEIC ACID MULTIPLEX FORMATION  
Filed : June 20, 2001 Group Art :  
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